

## **REMARKS**

Claims 1-5 and 9-24 are pending in the application, claims 23 and 24 being newly added herein. Claims 6-8 were canceled previously. Claims 1, 9, 16, and 23 are the only independent claims.

### ***Claims Rejections - 35 U.S.C. §§ 102 and 103***

Claims 1, 2, 5-8, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,677,846 to Snider in view of U.S. Patent No. 5,395,148 to Jameson et al.

Claim 2 also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,677,846 to Snider in view of U.S. Patent No. 6,669,024 to Ottens.

Claims 5-8 also stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,677,846 to Snider in view of U.S. Patent No. 6,056,339 to Berger.

The Examiner has allowed claims 9-20.

In addition, the Examiner has indicated that claim 21 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

**Claim 1** Applicant has amended claim 1 herein to incorporate some of the limitations of claim 21. Whereas claim 21 recites that the housing is provided with a pair of parallel grooves and that the cleaning member includes protuberances or projections extending into the grooves, claim 1 has been amended to recite that at least one of the housing and the cleaning member is provided with a groove, while the other part is provided with at least one protuberance or projection extending into the groove. It is believed that claim 1 as so amended distinguishes over the prior art for the same reason as claim 21. Nothing in the prior art suggests a protuberance and groove connection between a housing and a slider member of a magnet sweep.

**Claim 23** New independent claim 23 is also believed to distinguish over the prior art of record. As set forth in claim 23, a device for attracting metal particles comprises a longitudinal member, a housing, a plate, and a cleaning member. The longitudinal member has a first and second end, with the housing connected to the second end substantially perpendicularly to the longitudinal member. The housing has a magnet disposed therein. The plate is secured to the housing and positioned within a proximity to the magnet to magnetize the plate, the plate having a surface with a larger area than the surface of the magnet. The cleaning member is slidably mounted to the housing adjacent to the plate and is movable along and adjacent to the plate, for detaching from the plate metal pieces magnetically attracted thereto. The housing is provided with a pair of stops disposed at opposite ends of the plate to limit a range of motion of the cleaning member along the plate. The stops may specifically take the form of end walls of said housing (claim 24).

The limitation in the range of motion of the cleaning member relative to the plate is not taught or suggested by the prior art. Jameson, the reference relied on by the Examiner, for disclosing a cleaning member slidably mounted to the housing is removable from the housing. The cleaning member of Jameson is not intended to remain on the housing because the cleaning member would cover a substantial portion of the plate and prevent the plate from attracting metal particles. Accordingly, one of ordinary skill in the art following the teachings of Snider and Jameson would not provide the housing, at opposite ends of the plate, with stops that limit the range of motion of the cleaning member.

In applicant's device, the cleaning member is more or less permanently connected to the housing and is "parked" at some position along the plate during use of the device to pick up metal debris. In contrast, in a magnet sweep in accordance with the teachings of Snider and

Jameson, the cleaning member is removed from the housing and is stored at some other location (e.g., on the handle or on the longitudinal member, in the parlance of applicant's claims) during use of the sweep to pick up metal debris.

The specification has been amended to provide antecedent basis for the new language of claim 23. The amendments are not considered to insert new matter into the disclosure, owing to the clear meaning of Figure 5: the grooves 63 are longitudinally coextensive with the plate 81 and extend all the way to the end walls 200 and 202 of the housing. The cleaning member 66 would come off of the housing except that the end walls stop or block the cleaning member.

### *Conclusion*

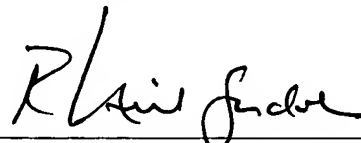
For the foregoing reasons, independent claims 1 and 23, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice passing the application to issue is earnestly solicited.

A Request for Continued Examination of the application is enclosed herewith.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

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